LOU STONE,   :   Order Dismissing Appeal Without Prejudice
            Appellant   :
                                    :
        v.   :
                                    :   Docket No. IBIA 99-22-A
PORTLAND AREA DIRECTOR,   :
    BUREAU OF INDIAN AFFAIRS,   :
            Appellee   :   December 8, 1998

     Appellant Lou Stone filed a Notice of Appeal pro se. He seeks review of an October 19, 1998, decision of the Portland Area Director, Bureau of Indian Affairs (Area Director; BIA), vacating a February 18, 1998, decision of the Superintendent, Colville Agency, BIA. The Superintendent had granted a petition filed by Frederick R. Stone, Appellant's brother, to partition Colville Allotment No. H-365, Mary Marchand, between Appellant and Frederick. Appellant and Frederick each presently owns an undivided 1/2 interest in the allotment. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal without prejudice.

     After vacating the Superintendent's decision, the Area Director stated that, in order to speed up the decisionmaking process, he was assuming jurisdiction over the matter and would issue the decision, and required the Superintendent to provide him with certain information on which to base that decision. Thus, the Area Director did not decide whether or not the allotment should be partitioned. Although the Area Director properly informed the parties that they could appeal his decision, the Board finds that the Area Director should be permitted to continue his review of the partitionment request. It is possible that the Area Director will decide that it is inappropriate to partition the allotment, which appears to be the result Appellant seeks.

     Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Area Director's October 19, 1998, decision is dismissed without prejudice. If Appellant disagrees with the decision which the Area Director ultimately issues, he may appeal that decision to the Board.

_____   _____
Kathryn A. Lynn   Anita Vogt
Chief Administrative Judge   Administrative Judge

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